

1 So we said we're going to be there,
2 will you be around that week or weekend.

3 Q. At the time -- and ultimately a meeting
4 did take place with Jim; is that correct?

5 A. Well, I guess so, yeah. I mean, we --
6 yeah.

7 Q. Well, you said you set up a meeting. I
8 was just -- did that happen? Did you set up a
9 meeting?

10 A. We met with Jim.

11 Q. Okay. And you think this would have
12 been sometime mid 2000?

13 A. Probably.

14 Q. Okay. Prior to that meeting with Jim,
15 how many times had you visited the shop in Bedford?

16 A. Maybe -- maybe two, three.

17 Q. Okay. And prior to that meeting you
18 just described, how many -- had you ever -- I know
19 you said -- in one of your answers earlier you said
20 you had never owned a piece of pottery.

21 Prior to meeting with Jim to
22 discuss, you know, using his pottery, had you ever
23 purchased pottery yourself?

24 A. Ron purchased, I think, a pinecone

Defendants'
Exhibit 2

1 Q. Okay. Did you or -- now, the mention of
2 the word "wholesale," was that something that you
3 mentioned to Mr. Leavitt, or was that a discussion
4 that Mr. Wehrli had with Mr. Leavitt?

5 A. You know what, I don't remember.

6 Q. Okay. Did -- during that conversation
7 with Mr. Leavitt, did y'all discuss the volume, like
8 how much pottery you would want to obtain in order
9 to sell in Illinois or anything along those lines?

10 A. What Jim showed us is he had probably
11 10,000 flowerpots that was sitting out in his yard
12 at his store that were -- he wasn't really moving.
13 So he said if you buy these flowerpots, I could give
14 you a really, really good price.

15 Q. Okay. And how many flowerpots did you
16 end up buying?

17 A. Probably 10,000.

18 Q. And do you recall --

19 A. Because -- go ahead.

20 Q. No, you finish.

21 A. No.

22 Q. You said probably 10,000, meaning you
23 basically bought what he had?

24 A. I mean, I had a barn full of flowerpots

1 for probably eight years.

2 Q. And Jim gave you a price for -- like,
3 did he give you a price for the total amount of
4 flowerpots or did he give you a price per flowerpot?
5 Do you remember how that worked?

6 A. I can't even remember. I think Ron
7 Wehrli is a guy that he kind of goes big or goes
8 home. He has the money and he's like, "We'll take
9 them all." And I'm like, "Oh, my God. All?"

10 So Jim kind of sold us things that
11 probably were sitting around for years. So I didn't
12 go around picking out stuff. It was pretty much he
13 had tons of flowerpots, tons of just things lined
14 up. I mean, so it's not like I went down -- and he
15 said, I can sell you all of this for \$10,000, I
16 think, something.

17 So I had a lot of flowerpots.

18 Q. Let me ask you this. So how much
19 pottery did y'all buy during that first meeting? I
20 mean, was there -- you mentioned the flowerpots.

21 Was there a discussion about the
22 specific purchase of any other pottery during that
23 first meeting with Mr. Leavitt?

24 A. No.

1 Q. Okay. How were things left after that
2 meeting? I mean, what was your understanding as to
3 going forward how you would order pottery from
4 Mr. Leavitt, and how it would be delivered, and how
5 it would be paid for, those sorts of details?

6 A. So pretty much we would -- we did an
7 initial order. Maybe it was 50-, 60-, \$70,000, and
8 it's because Jim -- which was -- he just said, Hey,
9 I have all of this stuff; I can sell you all of
10 this. Literally a semi came of just pottery because
11 Jim gave us a really good price.

12 Q. Okay. And that initial order was
13 something that y'all discussed at that first
14 meeting?

15 A. Well, he had said to Ron Wehrli, If you
16 buy all of this, I'll give you a certain price. So
17 Ron's like, We'll take it all, so.

18 Q. For whatever that price was, is that --

19 A. Right, yep.

20 Q. And how was that paid? I mean, was that
21 something Mr. Wehrli just paid him for while y'all
22 were there, or what were the payment arrangements,
23 if you --

24 A. Ron was the money guy.

1 Q. Yeah. So Ron made the arrangements for
2 whatever was paid, that first 50 to --

3 A. Well --

4 Q. -- however --

5 A. -- he was the backer behind this land,
6 behind this house, behind what I was going to start
7 as my own thing, but Ron also was the backer, the
8 investor.

9 Q. Yeah. And I'm just asking at this
10 point, at the point that Ron says, yes, we'll take
11 it all, you don't know at that point, like, how
12 he's -- you know, if he's paying with a credit card,
13 if he's paying cash, or what the specifics of that
14 arrangement were?

15 A. I don't know. I mean...

16 Q. That was what Ron --

17 A. I doubt he paid by credit card, but
18 probably a check.

19 Q. Okay.

20 A. I don't think cash.

21 Q. Yeah.

22 A. But, yes. And for -- it was a hob- --
23 supposed to be a hobby for me, not a business for
24 Ron. It was a hobby for me so that we had

1 flexibility on going to Naples for six months.

2 Q. After -- well, let me take one step
3 back.

4 Again, during that meeting, at the
5 time that you left, did you have an under- -- you
6 obviously had -- a lot of pottery had been
7 purchased. Did you have an understanding as to what
8 the procedure would be to obtain more pottery from
9 Mr. Leavitt, like, how you would go about doing
10 that?

11 A. Pretty much we had enough pottery
12 probably to last us, like, five, six, seven years,
13 so we pretty much -- if we ran out of something, we
14 would fax him an order and then he would send it to
15 us.

16 Q. Okay. During that initial meeting, did
17 you discuss the fact that, okay, if we -- if there's
18 something specific we want, Mr. Leavitt, we're going
19 to send you a fax requesting that, or did y'all get
20 into that level of detail?

21 A. We didn't. He pretty much said I can
22 turn around pretty much three weeks he can make
23 something. So for me, that was -- as Jim being a
24 vendor of mine, that's pretty good. So he said just

1 antique shows. I mean, back then you didn't have to
2 have a resale sales tax number. People would just
3 sell. It was cash. That's why a lot of people did
4 it. So he didn't really have to have that. Hardly
5 any vendors had that.

6 But then at different shows, people
7 started walking around, the State asking for your
8 sales tax number. So that probably started. But
9 way back when, it didn't -- vendors didn't have or
10 people who sold things didn't have sales tax
11 numbers. It didn't matter.

12 Q. Okay. When did you first get a sales
13 tax number, do you recall?

14 A. Probably when we opened the business.
15 Probably when we knew we were opening the business.

16 Q. Okay. Well, let me go back.

17 You finished the meeting with
18 Mr. Leavitt. At that point you understand that you
19 purchased a lot of pottery. It's going to be
20 delivered to Oswego, Illinois; is that correct?

21 A. Uh-huh.

22 Q. Okay. And is it going to be delivered
23 to where your shop is now, that exact location, like
24 the seven acres that you discussed earlier?

1 shop. I was a gift store.

2 Q. And when you say you were a gift store,
3 you're -- you're using that word because you sold
4 the pottery -- you displayed the pottery and then
5 you sold the home decor items like the racks and the
6 dish towels and the things like that along with it?

7 A. I'm saying that because I was my own
8 gift store. I mean, I'm -- it wasn't about the
9 pottery; it was about my own gift store.

10 Q. Okay. And at the time that these photos
11 were taken back in 2002, that gift store, to someone
12 coming in from the outside, it was called Emerson
13 Creek Pottery?

14 A. Yep.

15 Q. All right. I'll just scroll through the
16 last few here.

17 Again, on the right it looks like
18 we've got more pottery displayed, and then sort of a
19 dish towel on the side of the cabinet there. And I
20 assume -- am I correct in stating that you displayed
21 that dish towel because you thought it sort of went
22 with or would -- could accompany that pottery?

23 A. I mean, it's merchandising.

24 Q. Again, on the left, more Emerson Creek

1 that at that time, as of June or July of 2002, folks
2 were -- who were coming to the shop were coming in
3 search of the Emerson Creek Pottery?

4 A. Because we had bought a semi load.
5 That's what we were -- that's what we had, plus
6 candles, dish towels, soaps, that sort of thing.

7 Q. Okay. And, in fact, if you look at the
8 next paragraph, it says that at that point you were
9 the only shop outside of Virginia to stock the
10 entire Emerson Creek Pottery line. Is that your
11 understanding?

12 A. Yep, but I didn't buy the entire line
13 because I'm not going to buy -- I didn't stock the
14 entire line. I didn't stock the patterns that I
15 didn't like, so I didn't have to buy the entire
16 line. I didn't want to buy the entire line. That
17 was -- I could buy what I want.

18 Jim had -- I could do -- I could
19 buy what I want. There was no agreement that I had
20 to buy the entire line because I wasn't -- Jim -- I
21 wasn't a partner with Jim, Emerson Creek. I could
22 buy what I want, so.

23 Q. And if you wanted to do what it says in
24 that paragraph, "stock the entire line," you could

1 and that's where I went with it.

2 Q. Now, you make the point that the
3 Tearoom, you know, not -- and I can't remember if
4 it's on this one or another one where you say that
5 not to be fooled, that it was actually full-size
6 meals that were received; is that correct?

7 A. We tried tea sandwiches, didn't work.

8 Q. Yeah.

9 A. So then we started a cafe, and now we're
10 a restaurant.

11 Q. Okay. But the reason you called it a
12 Tearoom is because you would serve it -- I mean, you
13 treated it like a Tearoom in the sense that you were
14 serving it, you know, on this handmade pottery --

15 A. No, no.

16 Q. -- in teacups, that sort of thing?

17 A. No. Customers would say, "You need a
18 Tearoom." It wasn't because of the pottery.

19 Q. Well, the customers who came to buy
20 pottery said you needed a Tearoom; is that correct?

21 MR. MC LAUGHLIN: Object to form of the
22 question.

23 BY THE WITNESS:

24 A. I don't -- I don't know if that made

1 where" -- is it -- how does she pronounce her last
2 name?

3 A. Borchardt. Borchardt.

4 Q. "Borchardt said the signature salad and
5 fiesta flowerpot salad are well-appreciated.

6 That fiesta flowerpot salad, that
7 was a salad served in the Emerson Creek Pottery?

8 A. Yeah. As we did for years, yes.

9 Q. Yeah. Then it goes on to say "literally
10 a salad served inside a flowerpot."

11 It tells what the ingredients are
12 for the salad, although it sounds like that's a
13 little different mix than what you originally had
14 in there. There was another flowerpot salad --

15 A. We changed it every week.

16 Q. Okay. So some weeks it would be the
17 fiesta and some weeks it might be like a garden
18 salad or something different?

19 A. Uh-huh.

20 Q. Is that a yes?

21 A. Yes.

22 Q. All right. And then it says, next
23 paragraph, "Across a gravel path and green lawn a
24 renovated century-old farmhouse hosts the pottery

1 selling there; correct?

2 A. I have a friend that her daughter's name
3 is Emerson.

4 Q. But -- but when you named the shop
5 Emerson Creek Pottery, you named it Emerson Creek
6 Pottery because you were selling -- you had a
7 truckload of pottery to sell and that pottery was
8 made by Emerson Creek Pottery; correct?

9 MR. MC LAUGHLIN: Objection to the form of
10 the question. Asked and answered, as well.

11 MR. WILLETT: You can go ahead.

12 BY THE WITNESS:

13 A. And like I said, I named it Countryview
14 Pottery, and Julie Browman was the one that said we
15 had to use a different name; and then somehow we
16 called it Emerson Creek Pottery. We liked the name.

17 BY MR. WILLETT:

18 Q. And then when the Tearoom opened, you
19 decided to use that for the Tearoom, as well, and
20 call it Emerson Creek Pottery & Tearoom; correct?

21 A. Yeah. We didn't -- it never occurred to
22 us. No one had a problem with it.

23 Q. All right. And then no one ever told
24 you you can't call your shop Emerson Creek Pottery;

1 like -- here it says established 2002.

2 Do you think -- do you know when
3 the actual Tearoom opened? It says converted in
4 2002, but you think the Tearoom actually opened a
5 little bit after that --

6 A. Yeah.

7 Q. -- is that correct?

8 A. I -- I think 2000 -- yeah, I'm not sure.

9 Q. I think you testified earlier you
10 thought it was sometime around 2004 that the --

11 A. Yes.

12 Q. -- Tearoom opened?

13 A. Yes.

14 Q. Okay. And then the next entry is the
15 barn, and that has established 2010. And that
16 opened after you and Mr. Demiduk were married?

17 A. Yes. And our wedding date is -- we got
18 married in 2014? No.

19 MR. DEMIDUK: 2010.

20 BY THE WITNESS:

21 A. 2010.

22 BY MR. WILLETT:

23 Q. I mean, I tried to give you the -- I'm
24 kidding.

1 All right. So you were married at
2 some point in 2010, and then was it that same year
3 that the -- that the barn, in essence, opened?

4 A. I don't know when our first wedding was.
5 We worked on it for, like, a year, so maybe 2010,
6 2011. I'm not sure.

7 Q. Okay. And the weddings sort of -- they
8 were something that -- or events, people had said,
9 you know, it would be great if you could host events
10 out here? That was something that inspired you to
11 look at converting the barn?

12 A. Well, we were inspired because we got
13 married there. We -- it was a -- so that's -- we
14 wanted a place to get married, cleaned out the barn,
15 laid concrete, and that's how it became weddings.

16 Q. Am I correct in stating, though, that
17 over the years customers had stated that they --
18 that it would be a neat venue to have events in?

19 A. It was our idea. So customers before --
20 we didn't even used to open the barn because it was
21 just a nasty old barn. And then Dave was working on
22 the barn, and then people would walk in, and we said
23 we're getting married here, and that's how it
24 started.